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10/826,047

04/16/2004

Jeremy A. Fogg

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EXAMINER

WARD, JOHN A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/826,047

Applicant(s)

FOGG ET AL.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 22-24, 34-36, 50, 51 and 58-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-21, 25-33, 37-49 and 52-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0205, 1204, 0804, 6/4/2004

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 6-7, 23-24, 32-45, 48 and 62-63 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 2, 2006.

The above claims include those, which the examiner believes do not read the elected species.

Applicant's election with traverse of claims 1-5, 8-22, 25-34, 37-49, 52-61 and 64 in the reply filed on March 2, 2006 is acknowledged. The traversal is on the ground(s) that the claims as cited reads on species. This is not found persuasive because of the claims cited are not embodiments that are included in species 1.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Skogler et al (US 4,646,210).

Regarding claims 1-4, Skogler et al shows a vehicle mirror and light assembly having a mounting bracket 11, a mirror housing 15, a reflective element 24, a light source 98 located in a second direction that of the reflective element (figure 4), a rear section and a bezel 56.

Regarding claims 9 and 10, Skogler et al further shows a lens cover 150, having a surface that can diffuse light (column 10, lines 41-54).

Claims 1-4 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Furst et al (US 6,152,590).

Regarding claim 1, Furst et al discloses a interior rearview mirror 21 having a mounting bracket (not labeled), a mirror housing 4, a reflective element 2, a light source 5 and figure 1 shows first direction and second direction of the mirror are perpendicular to the plane and the first direction is opposite the second direction.

Regarding claims 2-4, 9-10 and 12, Furst et al shows in figure 1, a rear housing section (figure 1) a bezel (not labeled) with a light emitting diode 9 located inside the bezel, a bottom wall of the housing 4, has an opening to allow light from light emitting diode to emit and a deviator 7 or a lens.

Regarding claims 13-16, Furst et al shows a carrier plate 3, a printed circuit board 8, and in figure 1 the beam axis 19 is parallel to the first direction.

Claims 17-18, 20-21 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Furst et al.

Regarding claim 17-18 and 20, Furst et al discloses a interior rearview mirror 21 having a mounting bracket (not labeled), a mirror housing 4, a reflective element 2, a light source 5 and figure 1 shows first direction and second direction of the mirror are perpendicular to the plane and the first direction is opposite the second direction.

Regarding claims 21, 26, 27 and 29-30, Furst et al shows in figure 1, a rear housing section (figure 1) a bezel (not labeled) with a light emitting diode 9 located inside the bezel, a bottom wall of the housing 4, has an opening to allow light from light emitting diode to emit and a deviator 7 or a lens.

Claims 32, 33, 38-39, 41-42 and 45, are rejected under 35 U.S.C. 102(b) as being anticipated by Furst et al.

Regarding claims 32, Furst et al discloses a interior rearview mirror 21 having a mounting bracket (not labeled), a mirror housing 4, a reflective element 2, a light source 5 and figure 1 shows first direction and second direction of the mirror are perpendicular to the plane and the first direction is opposite the second direction.

Regarding claims 33, 38-39, and 41, Furst et al shows in figure 1, a rear housing section (figure 1) a bezel (not labeled) with a light emitting diode 9 located inside the bezel, a bottom wall of the housing 4, has an opening to allow light from light emitting diode to emit and a deviator 7 or a lens.

Regarding claims 42 and 45, Furst et al shows a carrier plate 3, a printed circuit board 8, and in figure 1 the beam axis 19 is parallel to the first direction.

Claims 46-49, 52-53 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Furst et al.

Regarding claims 46 and 55, Furst et al discloses a housing 4, a reflective element 2, a printed circuit board 8 and LED device 6, located on the second side of the printed circuit (figure 1), located at the bottom of the housing.

Regarding claim 47 and 48, Furst et al shows in figure 1 how the LED device 6 has a beam axis of the light emitted for the LED in a non parallel with a line perpendicular to the second side of the printed circuit board.

Regarding claims 49 and 52-53, the housing of Furst et al includes a light housing having a rear section (figure 1) and a bezel a lens cover 7 and a carrier plate 3 located between the reflective elements.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst et al as applied to claim 1 above, and further in view of Blank (US 2003/0043589).

Regarding claims 8 and 14-16, Furst et al discloses all the limitations of the claimed invention as cited in claim 1 rejection above, but does not disclose a reflecting element attached to the light reflecting element being that of a light pipe.

Regarding claims 8 and 16, Blank discloses a vehicle mirror system with light conducting member having a housing 220, a reflector element 210, a printed circuit board 221 located behind the reflector element, at least one light emitting diode 260, 262, 264 locate on the printed circuit board and a light pipe 250, 254, 256 and the beam axis I parallel to the first direction (figure 2).

Regarding claims 14 and 15, neither Furst et al or Blank teaches or suggest the reflective element having a reflectance value of about 70 percent or greater and the beam axis angled about 45 percent to the second direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide the above ranges since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Therefore it would have been obvious to one having ordinary skill at the time the invention was made to combine the illuminate rearview mirror of Furst et al with the

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vehicle mirror system of Blank having light conducting members in order to provide a means of illuminating the area around the mirror in different directions in dark driving conditions in emergency situations.

Claims 19, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst et al as applied to claim 1 above, and further in view of Blank (US 2003/0043589).

Regarding claims 19, 25 and 31, Furst et al discloses all the limitations of the claimed invention as cited in claim 1 rejection above, but does not disclose a reflecting element attached to the light reflecting element being that of a light pipe.

Regarding claim 19, Blank discloses a vehicle mirror system with light conducting member having a housing 220, a reflector element 210, a printed circuit board 221 located behind the reflector element, at least one light emitting diode 260, 262, 264 locate on the printed circuit board and a light pipe 250, 254, 256 and the beam axis I parallel to the first direction (figure 2).

Regarding claims 25 and 31, neither Furst et al or Blank teaches or suggest the reflective element having a reflectance value of about 70 percent or greater and the beam axis angled about 45 percent to the second direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide the above ranges since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).



Therefore it would have been obvious to one having ordinary skill at the time the invention was made to combine the illuminate rearview mirror of Furst et al with the vehicle mirror system of Blank having light conducting members in order to provide a means of illuminating the area around the mirror in different directions in dark driving conditions in emergency situations.

Claims 37, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst et al as applied to claim 1 above, and further in view of Blank (US 2003/0043589).

Regarding claims 37, 43 and 44, Furst et al discloses all the limitations of the claimed invention as cited in claim 1 rejection above, but does not disclose a reflecting element attached to the light reflecting element being that of a light pipe.

Regarding claim 37, Blank discloses a vehicle mirror system with light conducting member having a housing 220, a reflector element 210, a printed circuit board 221 located behind the reflector element, at least one light emitting diode 260, 262, 264 locate on the printed circuit board and a light pipe 250, 254, 256 and the beam axis I parallel to the first direction (figure 2).

Regarding claims 43 and 44, neither Furst et al or Blank teaches or suggest the reflective element having a reflectance value of about 70 percent or greater and the beam axis angled about 45 percent to the second direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide the above ranges since it has been held that discovering an optimum value of a result

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effective variable involves only routine skill in the art. In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Therefore it would have been obvious to one having ordinary skill at the time the invention was made to combine the illuminate rearview mirror of Furst et al with the vehicle mirror system of Blank having light conducting members in order to provide a means of illuminating the area around the mirror in different directions in dark driving conditions in emergency situations.

Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst et al as applied to claim 1 above, and further in view of Blank (US 2003/0043589).

Regarding claims 56 and 57, Furst et al discloses all the limitations of the claimed invention as cited in claim 1 rejection above, but does not disclose a reflecting element attached to the light reflecting element being that of a light pipe.

Regarding claim 56, Blank discloses a vehicle mirror system with light conducting member having a housing 220, a reflector element 210, a printed circuit board 221 located behind the reflector element, at least one light emitting diode 260, 262, 264 locate on the printed circuit board and a light pipe 250, 254, 256 and the beam axis I parallel to the first direction (figure 2).

Regarding claims 57, neither Furst et al or Blank teaches or suggest the reflective element having a reflectance value of about 70 percent. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide the above ranges since it has been held that discovering an optimum value of a

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result effective variable involves only routine skill in the art. In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).•

Therefore it would have been obvious to one having ordinary skill at the time the invention was made to combine the illuminate rearview mirror of Furst et al with the vehicle mirror system of Blank having light conducting members in order to provide a means of illuminating the area around the mirror in different directions in dark driving conditions in emergency situations.

Claims 11, 28, 40 and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Furst et al as applied to claims 1, 17, 32, and 46 above, and further in view of Varaprasad et al (US 5,151,816).

Furst et al discloses all the limitations of the claimed invention as cited above, but does not discloses a the reflective element having an electrochromic mirror subassembly including a front glass and rear glass with the electrochromic between the two glasses.


It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the illuminated mirror of Furst et al with the mirror of Varaprasad et al in order to provide a glass that is reflective and having UV stability, and an increase in reflectivity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW  
May 15, 2006



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**